IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1654 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

JAMLA GRAM PANCHAYAT - Petitioner(s)

Versus

STATE OF GUJARAT & 4 - Respondent(s)

==========

Appearance :

(MR KS JHAVERI) for Petitioner(s) : 1,
MR SIRAJ GORI AGP for Respondent(s) : 1,
MR SUNIL K SHAH for Respondent(s) : 3,
DS AFF.NOT FILED (R) for Respondent(s) : 4,
MR RC JANI for Respondent(s) : 5,

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 29/11/2005

ORAL JUDGMENT

1. In the present petition, the petitioner Jamla Gram Panchayat has challenged an order dated 12th February, 1998 passed by Dy. Secretary and has also prayed that the petitioner be allowed to operate bank account as per

resolution dated 10th October, 1997. Upon perusal of the resolution dated 10th October, 1997, it appears that the elected body of the panchayat had authorised Sarpanch-Patel Kantaben Vithaldas and members of panchayat Jadav Manilal Kalidas and Vaghela Lalji Laxmanji to operate bank accounts in Mehsana District Co-operative Bank and State Bank of India, Taluka: Kalol. Learned advocate Shri Jani appearing for respondent no.5 and learned AGP Shri Gori appearing for the State authorities pointed out that by afflex of time the term for which the elected body of the panchayat was installed has come to an end. By afflex of time, therefore, the resolution itself has lost its efficacy and the petition has, therefore, become infructuous. It may be noted that respondent no.5 for whom learned advocate Shri Jani is appearing was the Dy. Sarpanch of the Gram Panchayat at the relevant time.

2. In view of this development, the petition is disposed of having become infructuous, with a liberty to apply in case of difficulty. Rule is discharged. No order as to costs.

(Akil Kureshi, J.)

smita/